

SCHEDULES

SCHEDULE 19

APPLICATION OF PART 7 TO CROWN LAND

PART 2

CONSERVATION COVENANTS RELATING TO CROWN LAND HELD BY A PERSON OTHER THAN THE APPROPRIATE AUTHORITY

Agreements for the purposes of section 117

- 6 (1) If Crown land which is a qualifying estate is held by a person other than the appropriate authority, the appropriate authority may, as respects that qualifying estate, enter into a conservation covenant agreement, in place of the holder of the estate.
- (2) An authority that enters into such an agreement by virtue of sub-paragraph (1) is to be treated for the purposes of section 117 as the holder of the qualifying estate (instead of the person in whose place the authority is acting).

Modification of Part 7 in relation to obligations under certain Crown conservation covenants

- 7 (1) Paragraphs 8 to 12 modify Part 7 in its application to obligations under a conservation covenant created by an agreement entered into by virtue of paragraph 6(1).
- (2) In those paragraphs, in relation to an obligation under the conservation covenant—
“the appropriate authority” means the appropriate authority with respect to the estate in land of the original landowner which is the qualifying estate in relation to the obligation, and
“the original landowner” means the person who held the qualifying estate when the agreement was entered into.
- 8 References in Part 7 to an obligation of the landowner under a conservation covenant are to be read as references to an obligation of the appropriate authority under the conservation covenant.
- 9 (1) Section 122 has effect with the following modifications in its application to an obligation mentioned in paragraph 8.
- (2) In subsection (2)—
(a) in paragraph (a), the reference to the landowner under the covenant is to be read as a reference to the appropriate authority, and
(b) in paragraph (b), the reference to the landowner under the covenant is to be read as a reference to the original landowner.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (3) the reference to the landowner under the covenant is to be read as a reference to the original landowner.
- (4) In subsection (4)—
- (a) in the opening words and in paragraph (b), the reference to the landowner under the covenant is to be read as a reference to the appropriate authority,
 - (b) in the opening words, the reference to a successor of that landowner is to be read as a reference to a successor of the original landowner, and
 - (c) in paragraph (b), the reference to land in relation to which the landowner ceases to be the holder of the qualifying estate is to be read as a reference to land in relation to which the original landowner ceases to be the holder of the qualifying estate.
- (5) Subsection (5)(c) has effect, if the successor’s immediate predecessor was the original landowner, as if the reference to the successor’s immediate predecessor were a reference to the appropriate authority.
- 10 (1) Section 123 has effect with the following modifications in its application to an obligation of the responsible body under the conservation covenant.
- (2) In subsection (1)—
- (a) in paragraph (a), the reference to the landowner under the covenant is to be read as a reference to the appropriate authority, and
 - (b) in paragraph (b), the reference to the landowner under the covenant is to be read as a reference to the original landowner.
- (3) In subsection (2) the reference to the landowner under the covenant is to be read as a reference to the original landowner.
- (4) In subsection (3)—
- (a) in the opening words and in paragraph (b), the reference to the landowner under the covenant is to be read as a reference to the appropriate authority,
 - (b) in the opening words, the reference to a successor of that landowner is to be read as a reference to a successor of the original landowner, and
 - (c) in paragraph (b), the reference to land in relation to which the landowner ceases to be the holder of the qualifying estate is to be read as a reference to land in relation to which the original landowner ceases to be the holder of the qualifying estate.
- 11 In section 129(4)(b) and (5) the references to a successor of a person bound by the modification (where the person bound is the appropriate authority) are to be read as references to a successor of the original landowner.
- 12 In Schedule 18—
- (a) the references in paragraphs 1(1) and 6(1) to a person bound by, or entitled to the benefit of, an obligation under a conservation covenant by virtue of holding an estate in land are to be read as references to the appropriate authority;
 - (b) the references in paragraphs 2(2) and 7(2) to any person who by virtue of holding an estate in land is bound by or entitled to the benefit of an obligation are to be read as references to the appropriate authority;
 - (c) the references in paragraph 12(1)(b) and (2) to a successor of a person bound by the modification (where the person bound is the appropriate

authority) are to be read as references to a successor of the original landowner.